

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:11-CR-00123-F-1

UNITED STATES OF AMERICA

v.

OSCIEL GARCIA ESTRADA,
Defendant.

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ORDER

This matter is before the court on Osciел Garcia Estrada's June 17, 2016 *pro se* motion [DE-189]. In his motion, Estrada argues that in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015), he is entitled to a sentence reduction.

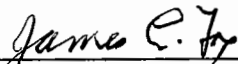
Estrada is attacking the validity of his sentence; thus, the appropriate avenue to bring this challenge is by way of a § 2255 motion.¹ To the extent that Estrada seeks to file a § 2255 motion, he must file it on the appropriate form. The Clerk of Court hereby is DIRECTED to send a copy of the appropriate § 2255 form to Estrada. If Estrada elects to pursue a § 2255 motion, he shall have twenty-eight days within which to file his motion on the appropriate § 2255 form provided by the Clerk. Estrada should send the original of the § 2255 form to:

Clerk of Court
United States District Court, E.D.N.C.
ATTN: Prisoner Litigation Division
P.O. Box 25670
Raleigh, North Carolina 27611

SO ORDERED.

¹ Title 28, United States Code, Section 2255 states four grounds upon which such relief may be claimed: (1) that the sentence was imposed in violation of the Constitution or laws of the United States; (2) that the court was without jurisdiction to impose such sentence; (3) that the sentence was in excess of the maximum authorized by law; and (4) that the sentence is otherwise subject to collateral attack. 28 U.S.C. § 2255(a).

This 21 day of October 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE